

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
LAMAR LEE COLLINS,
Defendant.

Case No.: 2:18-cr-00051-RFB-NJK

ORDER

(Docket No. 83)

Pending before the Court is the United States' motion to admit hearsay at the revocation preliminary hearing. Docket No. 83. Defendant responded and the United States replied. Docket Nos. 87, 89.

12 Federal Rule of Evidence 1101(d)(3) clearly states that the Federal Rules of Evidence do
13 not apply to a preliminary examination in a criminal case; therefore, hearsay is clearly admissible
14 at such preliminary examination. The Court does not need a motion from a party in order to
15 comply with Federal Rules, including FRE 1101(d)(3); rather, such motion serves no purpose other
16 than to clutter the Court's docket. Accordingly, the United States' motion, Docket No. 83, is
17 **DENIED** as unnecessary.

IT IS SO ORDERED.

DATED: January 30, 2020.

NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE